

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-Publication of Notice Statement)

Amend Subsection 360(a),  
Title 14, California Code of Regulations  
Re: Deer: A, B, C, and D Zone Hunts

- I. Date of Initial Statement of Reasons: January 14, 2002

- ## II. Dates and Locations of Scheduled Hearings:

- |                         |           |                        |
|-------------------------|-----------|------------------------|
| (a) Notice Hearing:     | Date:     | February 9, 2002       |
|                         | Location: | Sacramento, California |
| (b) Discussion Hearing: | Date:     | March 8, 2002          |
|                         | Location: | San Diego, California  |
| (c) Discussion Hearing: | Date:     | April 5, 2002          |
|                         | Location: | Long Beach, California |
| (d) Adoption Hearing:   | Date:     | April 25, 2002         |
|                         | Location: | Sacramento, California |

- ### III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

1. Modify Area Description for Zone D-4

Existing regulations provide for deer hunting in adjacent Zones D-4 and X-7b. The area bounded by Blackwood Canyon, Lake Tahoe, McKinney Creek and the Pacific Crest Trail in the southern portion of Zone X-7b experiences little, if any, deer hunting pressure by Zone X-7b hunters. However, numerous Zone D-4 deer hunters that currently hunt in adjacent areas have expressed an interest in having this area added to Zone D-4.

The proposed change would modify the area description by adding the area bounded by Blackwood Canyon, Lake Tahoe, McKinney Creek, and the Pacific Crest Trail to Zone

D-4. Based on past hunter distribution, deer herd performance, and harvest patterns the proposed change is consistent with deer herd management planning for the individual zones and will meet a specific public demand to provide additional opportunity and expanded access. For consistency in regulation the area description change for Zone X-7b is addressed in subsection 360(b).

2. Modify Area Description for Zone D-5

Existing regulations provide for deer hunting in adjacent Zones D-5 and X-8. Due to the geographic features and area descriptions between these two zones, boundary descriptions are ambiguous and can lead to confusion on the part of both Zone D-5 and Zone X-8 deer hunters, unnecessarily placing them at risk of violating area boundaries.

The proposed change would modify the area descriptions for Zone D-5 and Zone X-8 to make the boundary between the two zones more distinct and recognizable while in the field, thus eliminating confusion among deer hunters and reducing the potential for area violations. For consistency in regulation the area description change for Zone X-8 is addressed in subsection 360(b).

3. Modify Area Description for Zone D-15

Existing regulations do not specifically provide for deer hunting on Santa Catalina Island. In 1998, Santa Catalina Island was removed from the Zone D-15 area description, since it was licensed as a Private Lands Management Area (PLM) under Section 601. Deer hunting was only allowed under the conditions of this license. In 2001, the operator of this PLM did not renew the PLM license and consequently the hunting of deer on Santa Catalina Island is without a clear determination of area hunting status.

The proposal would add Santa Catalina Island to the area description for Zone D-15. The proposed change would allow the hunting of deer on Santa Catalina Island under the prescribed season and conditions of a Zone D-15 deer hunting tag by including Santa Catalina Island in the area description. The proposal will eliminate confusion over the status of deer hunting on Santa Catalina Island and is consistent with deer herd management plan recommendations for Zone D-15.

4. Minor Editorial Change

Existing regulations provide for C Zone tags to be valid during the general season in Zones C-1, C-2, C-3 and C-4, and during the Zones C-2 and C-3 archery season (subsection 361(a)). The current proposed change in Section 361 would delete the use of a C Zone Tag during the C-2 and C-3 archery season by creating a C Zone Archery Only tag valid during archery season only in all four zones. Clarification of valid zone and season use is necessary to prevent confusion. The proposed change would provide language which clarifies and references the proper seasons and zones in which C Zone tags are valid.

5. Number of Tags

Existing regulations provide for the number of hunting tags for the A, B, C, and D zones. The proposal changes the number of tags for all existing zones to a series of ranges as indicated in the following table:

Zone	Number of Tags	
	Current	Proposed
A	65,000	30,000-65,000
B	55,500	35,000-65,000
C	11,500	8,000-20,000
D3-5	33,000	30,000-40,000
D-6	10,000	6,000-16,000
D-7	9,000	4,000-10,000
D-8	8,000	5,000-10,000
D-9	2,000	1,000-2,500
D-10	700	400-800
D-11	5,500	2,500-6,000
D-12	950	100-1,500
D-13	4,000	2,000-4,000
D-14	3,000	2,000-3,500
D-15	1,500	500-1,500
D-16	3,000	1,000-3,500
D-17	500	100-800
D-19	1,500	500-1,500

These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

The proposal provides a range of tag numbers for each zone listed from which a final number will be determined, based on the post-winter status of each deer herd. The number of tags is intended to allow the appropriate level of hunting opportunity and harvest of bucks in the population, while achieving or maintaining the buck ratios at or near objective levels set forth in the approved deer herd management plans. Administrative procedures and the Fish and Game Code require the Fish

and Game Commission to receive proposed changes to the existing regulations prior to the time when final, post-season deer herd surveys are conducted in the affected zones.

During late spring (March/April), herd surveys are conducted to determine the proportion of fawns which have survived the winter. This information is necessary for estimating the approximate size of the herd and the predicted number of bucks available next season. The number of bucks and does needs to be estimated prior to the hunting season to determine how many surplus bucks will exist over and above the number required to maintain the desired buck ratio objectives stated in the approved deer herd management plans.

The actual tag numbers for each affected zone will be reflected in the Final Statement and will be selected from the range of values provided by this proposal. These final values for the license tag numbers will be based upon findings from the annual herd composition counts.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 203, 220, 460, 3452, 3453, and 4334, Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, 207, 458, 459, 460, 3452, 3453, and 4334, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change: None.

(d) Identification of Reports or Documents Supporting Regulation Change:

2002 Draft Environmental Document Regarding Deer Hunting.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

In 2000, the Department held a total of twenty-three (23) "Deer Stakeholder" meetings throughout the state. The meetings were open to the public, and the Department provided information on a variety of deer management strategies and issues including: Deer Assessment Unit (zone complex) planning and tag draw method alternatives. Attendees were asked to participate in a survey and public comment was also received. The dates and locations of these meetings were as follows:

July 24, 2000 - Chico  
July 25, 2000 - Modesto  
July 26, 2000 - Fresno

July 27, 2000 - Bakersfield  
August 9, 2000 - Folsom  
August 10, 2000 - Truckee  
August 22, 2000 - Bishop  
August 23, 2000 - Long Beach  
August 24, 2000 - El Cajon  
September 12, 2000 - Santa Barbara  
September 28, 2000 - Salinas  
October 17, 2000 - Eureka  
October 18, 2000 - Red Bluff  
October 19, 2000 - Susanville  
October 20, 2000 - Redding  
October 23, 2000 - Alturas  
November 1, 2000 - Rohnert Park  
November 14, 2000 - Yreka  
November 16, 2000 - Merced  
November 21, 2000 - Arroyo Grande  
December 7, 2000 - Livermore  
December 11, 2000 - El Centro  
December 14, 2000 - Redlands

In addition, the Department conducted four public meetings in which regulation change concepts and specific proposals for mammals and furbearers, including deer were presented and discussed, and additional public comment was received. The dates and locations of these meetings were as follows:

November 7, 2001 in Fresno  
November 13, 2001 in San Diego  
November 29, 2001 in Monterey  
December 13, 2001 in Sacramento

#### IV. Description of Reasonable Alternatives to Regulatory Action:

##### (a) Alternatives to Regulation Change:

###### 1. Modify Area Description for Zone D-4

There is no reasonable alternative to the proposed action.

###### 2. Modify Area Description for Zone D-5

There is no reasonable alternative to the proposed action.

3. Modify Area Description for Zone D-15

There is no reasonable alternative to the proposed action.

4. Minor Editorial Change

There is no reasonable alternative to the proposed action.

5. Number of Tags

There is no reasonable alternative to the proposed action.

(b) No Change Alternative:

1. Modify Area Description for Zone D-4

The no change alternative was considered and rejected, because it would unnecessarily restrict Zone D-4 hunter opportunity.

2. Modify Area Description for Zone D-5

The no change alternative was considered and rejected, because it would not result in the clarification of boundaries between Zones D-5 and X-8 and confusion over field recognition and potential boundary violations would continue.

3. Modify Area Description for Zone D-15

The no change alternative was considered and rejected, because it would not result in the clarification of area deer hunting status on Santa Catalina Island and confusion over it's status would continue resulting in possible area violations and the inability to properly manage the deer population on Santa Catalina Island.

4. Minor Editorial Change

The no change alternative was considered and rejected, because it would not provide clarification of valid C Zone tag seasons and zones resulting in confusion and possible violations.

5. Number of Tags

The no change alternative was considered and found inadequate to attain the project objectives. Retaining the current number of tags for the zones

listed may not be responsive to changes in the status of the herds. The deer herd management plans specify objective levels for the proportion of bucks in the herds. These ratios are maintained and managed in part by modifying the number of tags. The no change alternative would not allow management of the desired proportion of bucks stated in the approved deer herd management plans.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and following initial determinations relative to the required statutory categories have been made.

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

(c) Cost Impacts on Representative Private Person or Business: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.



- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

## INFORMATIVE DIGEST (Policy Statement Overview)

Existing regulations provide for deer hunting in adjacent Zones D-4 and X-7b. Zone D-4 hunters have expressed an interest in having the area between Blackwood Creek and McKinney Creek added to Zone D-4, since little hunting by Zone X-7b hunters occurs in the area. In an effort to meet a specific demand for increased opportunity and expanded hunting area access, the proposal incorporates this area into the Zone D-4 area description.

Existing regulations provide area descriptions for adjacent Zones D-5 and X-8. Area descriptions on the shared boundary are ambiguous and difficult to discern while in the field. This condition can lead to confusion and possible violation of area boundaries. For consistency, the proposal modifies the area description for Zone D-5 and Zone X-8 by providing a more distinct boundary description which is more recognizable in the field.

Existing regulations do not specifically provide for deer hunting on Santa Catalina Island. From 1998 through 2000, deer hunting activities were conducted under a Private Lands Management Area (PLM) license authorized through the Commission pursuant to Section 601. In 2001, the PLM operator discontinued hunting activities under this license, and the status of deer hunting on the island was unclear and confusing. The proposal would add Santa Catalina Island to the area description for Zone D-15, in order to clarify the islands hunting zone status.

Existing regulations for a C Zone tag provide for hunting during the general season in Zones C-1, C-2, C-3 and C-4, and during the archery season in Zones C-2 and C-3. Proposed regulation changes in archery hunting (Section 361) would create a C Zone Archery Only tag (proposed Hunt A-1 modification), valid in all four C Zones during the archery season only. C Zone tags would only be valid during the general seasons. A minor editorial change is necessary to clarify valid zone and season use for C Zone tags to prevent confusion.

Existing regulations provide for the number of license tags available for the A, B, C, and D zones. The proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

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D-8	8,000	5,000-10,000
D-9	2,000	1,000-2,500
D-10	700	400-800
D-11	5,500	2,500-6,000
D-12	950	100-1,500
D-13	4,000	2,000-4,000
D-14	3,000	2,000-3,500
D-15	1,500	500-1,500
D-16	3,000	1,000-3,500
D-17	500	100-800
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